IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8160 OF 2005

The State of Maharashtra ...Applicant

Vs.

Dalphatsing Vijaysing Rajpurohit
& Another ...Respondents

Shri U.V.Nikam, A.P.P for the Applicant.
Shri S.S. Kaushik for the Respondent No.1.

CORAM : A. S. OKA, J.
DATE : NOVEMBER 15, 2006.

P.C.:

1. Heard the learned A.P.P for the Applicant. I have also heard the learned Advocate for the first Respondent. The Respondents have been acquitted for offences punishable under section 406, 420 read with section 34 of the Indian Penal Code. The case of the first informant is that he had supplied certain material to the first Respondent. The case is that the material was entrusted to the first Respondent. According to the case of the first informant, the second Respondent claimed to be a partner of the first Respondent who issued a cheque in favour of the first informant in the sum of Rs.77,580/-. The said cheque was dishonoured.

2. The learned Trial Judge after considering the

evidence of the first informant has held that there was no evidence of entrustment. The learned Judge found that in the F.I.R it was mentioned that material worth Rs.01,35,580/- was entrusted. However, in the examination-in-chief of the first informant the price of the material entrusted was disclosed to be Rs.77,580/- and in cross-examination he denied that the accused had taken material worth Rs.01,35,580/- from him. It is held that the first informant could not produce the bills though his case was that the original bills have been produced by him before the police. The first informant admitted that he received amount of Rs.25,000/- and Rs.9,924/- from the first Respondent for material which was taken on credit from him. So far as offence under section 420 is concerned, the learned Judge held that the prosecution has not at all proved that the second Respondent was a partner of the first Respondent.

3. I find that the learned Trial Judge has considered the oral and documentary evidence on record and has recorded a conclusion which is a possible conclusion on the basis of the evidence on record. No case is made out for grant of leave. Application is

rejected.

JUDGE